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**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

: Case No.: **07-110081-ELF**
RAFAIL THEOKARY, : Chapter 7
Plaintiff/ Debtor : Adversary No.: **09-00051-ELF**
Vs.
ERIC ABBATIELLO, d/b/a :
ABBATIELLO RACING STABLES; :
GAITWAY FARM, INC.; :
SHOWPLACE FARMS; TOM SHAY; :
and any JOHN DOES (1-10) ENTITIES :
OR LEGAL ENTITIES THAT :
BECOME KNOWN AFTER FILING :

**MOTION FOR DISMISSAL OF A
COMPLAINT WITH PREJUDICE AND FOR
SANCTIONS UNDER RULE 11**

Tom Shay, Eric Abbatiello Stables, Gaitway Farm, Inc. and Showplace Farm, Inc., by and through its attorney, Jeffrey R. Pocaro, Esq., bring this Motion for dismissal of the Complaint with prejudice and for sanctions under Rule 11. Please see attached Certification and Exhibits.

Dated: June 2, 2009

/s/ Jeffrey R. Pocaro, Esq.
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